HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1522(S/S)2003

1. Prahlad Singh S/o Sri Ram Chandra Singh,
2.Prithavi Singh S/o Sri Jagan Singh,
3. Nares Pal Singh S/o Bhure Singh,
4. Rajendra Pratap Singh S/o Sri Hari Singh,
5. Rati Ram S/o Sri Chhaji Ram,
6. Smt. Saroj Bala W/o Sri Binod Kumar,
7. Smt. Rekha Rani W/o Sri Yogendra Singh,
8. Km. Sakna Rani D/o Sri Mohamad Navi,
9. Smt. Yashoda Devi W/o Sri Ram Chandra Singh,
10.Jai Prakash Singh S/o Sri Ram Chandra Singh,
11.Raghubir Singh S/o Sri Aluwa Singh,
12.Satyapal Singh S/o Sri Ram Singh,
13.Subhash Singh S/o Sri Prem Raj Singh,
14.Ramesh Chander S/o Sri Baldev Singh,
15.Km. Rani Sharma D/o Sri Ramesh Sharma,
16.Om Prakash Singh S/o Sri Dhyan Singh,
17.Chandra Vir S/o Sri Udal Singh,
18.Jai Pal Singh S/o Sri Surjan Singh,
19.Narendra Singh S/o Sri Battu Singh,
20.Jaswant Singh S/o Sri Karan Singh,
21.Subhash Singh So Sri Mishri Singh,
22.Smtl Madhu Bala W/o Sri Surendra Singh,
23.Ghasi Ram S/o Sri Ram Chandra Singh,
24.Vijai Pal Singh S/o Sri Charan singh,
25.Pratap Singh S/o Sri Shaym Singh,
26.Ram Prasad Singh S/o Sri Laley Singh,
27.Smt. Pawan Devi W/o Sri Vijai Singh,
28.Smt. Babita Devi W/o Sri Sunil Kumar,
29.Smt. Raj Laxmi W/o Sri Sunil Kumar,
30.Km. Vinita Sharma D/o Sri Ramesh Kumar Sharma,
31.Smt. Malti Devi W/ Sri Rajendra Singh,
32.Durga Pal Singh S/o Sri Khub Singh,
33.Gopal Singh S/o Sri Samant Singh,
34.Smt. Kanak Lata W/o Sri Chandler Kishore,
35.Smt. Sanjita Devi W/o Sri Manoj Kumar,

---- Petitioners.

Vs.

1. State of Uttaranchal, through the Secretary,
   Education Govt. of Uttaranchal, Dehradun,
2. Director of Education, Uttaranchal
   At Dehradun. ----Respondents.

Sri B.D. Upadhyay, learned counsel for the petitioner,
Learned Standing Counsel for respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.D. Upadhyay, learned counsel for the petitioner and learned Standing Counsel for the State/ respondents.

2. By means of this writ petition, the petitioners have prayed for the following reliefs:-

a. Issue a writ, order or direction in the nature of mandamus directing the respondent to take appropriate decisions regarding appointment of the petitioner as Shiksha Mitra or Shiksha Bandhu in the institutions run by the Government in accordance with the order dated 17.08.1999 passed by the Lucknow Bench of the Allahabad High Court in writ petition no. 5352 of 19993,

b. Issue any other suitable writ, order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case,

c. Award the cost of this petition to the petitioner.

3. Submission of the learned counsel for the petitioner is that the petitioners had worked as Instructors/ Supervisors under the scheme, known as Non Formal Educational Programme/Anaupcharik Shisha Between the year 1987 to 1999 introduced by the Central Government. The State of Uttaranchal is making appointments on the posts of Shiksha Mitra/ Shiksha Bandhu, in the Institutions where the posts are vacant. The petitioners have already rendered their services as Instructors with the establishment of the respondents' department under the aforesaid scheme, thus they should be given preference for appointment on the post of Shiksha Mitra/ Shiksha Bandhu. In support of his argument, counsel for the petitioners has submitted that a writ petition was filed by the similarly situated persons in the Lucknow Bench of Allahabad High Court bearing no. 5323(ss)2000 and the Lucknow Bench

of the Allahabad High Court has passed order to the following effect:-

"The writ petition is finally disposed of with direction to State Government to issue necessary directions to local bodies who are to implement the new schemes Shiksha Mitra and Acharya that the petitioners/ employees working in Anaupcharik Shiksha Scheme be considered first for appointment and thereafter other candidates may be considered for appointment under the aforesaid new scheme.

The petitioners are entitled for salary for the period during with the petitioners and worked under Anaupcharik Shiksha Scheme.

The aforesaid directions shall be complied by the respondents within three months from the date, a certified copy of this order is produced before the respondents. Parties shall bear their own costs."

4. In the present case, the grievance of the petitioners is not to the effect that they may be paid arrears of salary, as they are not working after 2001. Considering the fact that the petitioners had worked as Supervisor under the aforesaid scheme introduced by the Central Govt., they will be skillful to teach the students and the Govt. may take benefit of their experiences.

5. In view of the order passed by the Lucknow Bench of the Allahabad High Court in the case of similarly situated persons and keeping in view of the aforesaid circumstances, it is expected from the Govt. that while making appointments on the posts of Shiksha Mitra/Shiksha Bandhu the Govt. will also consider the petitioners' case, if they are otherwise eligible to be appointed as Shiksha Mitra, in the particular Institution.

6. With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 19, 2006:
NCM: